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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,380	01/14/2004	Jyrki Laaksonheimo	1381-0307P	2366
2292	7590	11/18/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SMITH, TYRONE W	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/756,380	LAAKSONHEIMO, JYRKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tyrone W Smith	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: ____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: ____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

## DETAILED ACTION

### **Claim Rejections - 35 USC § 112**

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 and 9 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant must give a detailed description in the specification of the "drift in the feedback sensor" and how it relates to the claimed invention. Applicant has not conveyed the meaning or the use of the "drift in the feedback sensor", not just in arguments, but also in the detailed description of the specification and as it relates to the drawings. Examiner requests that the Applicant expound more on the drift in the feedback sensor, not just an example of temperature, but how it is applied to the current invention.

3. Claims 4-6 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant must give a detailed description in the specification of the "forgetting factor" and how it relates to the claimed invention. Applicant has not conveyed the meaning or the use of the

"forgetting factor", not just in arguments, but also in the detailed description of the specification and as it relates to the drawings.

4. Examiner's rejection is with the best intentions and understanding of the claims as presented.

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 and 7 -9 rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al (4914365) in view of Hakala et al (WO 99/28229).

Regarding Claim 1, 3, and 7-9. Murakami discloses a control device for servomotor, which shows the averages of speed reference (*Figure 1 item w\**) and speed measurement (*Figure 1 item wm*) for both downward and upward constant-speed travel are calculated, whereupon the gain and zero factors are identified (*Figure 1 items 2 and 6; column 2 lines 31-68 and column 3 lines 1-2*) and the measured speed measurement value is corrected to the corrected value (*Figure 1 item wp\*; column 2 lines 31-68 and column 3 lines 1-2*). However, the invention does not mention it use as an of a synchronous permanent magnet motor as applied to the invention.

Hakala discloses an elevator control system for synchronous motor, which is related to correcting speed measurement values (abstract).

It would have been obvious to one of ordinary skill to use Murakami's invention of a control device for servomotors or similar with Hakala's elevator control system for synchronous motor. The advantage would provide a system that measures the load weight data continuously and the load weight data can be utilized in the stabilization of elevators during travel.

Regarding Claim 2. Murakami shows averages of speeds are calculated using the sum of the speeds (Figure 1 items 1 and 8).

It would have been obvious to one of ordinary skill to use Murakami's invention of a control device for servomotors or similar with Hakala's elevator control system for synchronous motor. The advantage would provide a system that measures the load weight data continuously and the load weight data can be utilized in the stabilization of elevators during travel.

#### **Response to Argument / Amendment**

7. Applicant's arguments filed September 10, 2004 have been fully considered but they are not persuasive.

Applicant argues that Murakami [365] and Hakala [WO 99/28229] do not teach or suggest correcting the measured speed values to compensate for drift in the feedback sensor. Examiner takes Applicants arguments in full consideration.

Examiner directs Applicant to fully expound on the drift of the feedback sensor described in the claims. Applicant has not conveyed the meaning or the use of the "drift in the feedback sensor", not just in arguments, but also in the detailed description of the specification and as it relates to the drawings. Examiner requests that the Applicant expound more on the drift in the feedback sensor, not just an example of temperature, but how it is applied to the current invention. Applicant should contact Examiner to possibly clear any misunderstandings of the claims.

Examiner believes in view of the claims, Murakami [365] and Hakala [WO 99/28229] still teach the claimed invention. Murakami discloses a control device for servomotor, which shows the averages of speed reference and speed measurement for both downward and upward constant-speed travel are calculated, whereupon the gain and zero factors are identified and the measured speed measurement value is corrected to the corrected value. Hakala discloses an elevator control system for synchronous motor, which is related to correcting speed measurement values (abstract). As stated before, Applicant should contact Examiner to possibly clear any misunderstandings of the claims to expedite prosecution.

### Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tyrone W Smith whose telephone number is 571-272-2075. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin, can be reached on 571-272-2800 ext. 37. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tyrone Smith  
Patent Examiner

Art Unit 2837



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